

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
SEPTEMBER 6, 2016

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on September 6, 2016, at the hour of 6:30 p.m.

President Bunder called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Peter Bunder, Nick DeBoer, Steve Dietrich, Aseem Jha, Gerry Keen, Larry Leverenz, David Sanders, Gerald Thomas, and Norris Wang.

Absent: None

Also present: Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, IT Director Brad Alexander, Public Works Director David Buck, Director of Development Erik Carlson, Facilities Director Tim Clark, Police Chief Jason Dombkowski, Parks Superintendent Janet Fawley, City Controller Peter Gray, Fire Chief Tim Heath, WWTU Director David Henderson, and Street Commissioner Doug Payne.

MINUTES

Councilor Keen moved for acceptance of the minutes of the July 28, 2016, Pre-Council Meeting, and the August 1, 2016, Common Council Meeting. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

REPORTS OF CITY DEPARTMENTS ON FILE IN THE CLERK'S OFFICE

There were no comments.

REPORT OF THE APC REPRESENTATIVES

Councilor Leverenz reported that The Hub project that was presented to the Council at the September 1, 2016, Pre-Council meeting is on the APC agenda for approval at the September 21, 2016, meeting.

PUBLIC RELATIONS:

Beautification Award

Councilor Leverenz presented the Beautification Award to Judy and Leo Weitzman of 222 Pawnee Drive, and he described the landscaping. Ms. Weitzman expressed appreciation and spoke of their love of gardening, noting that they are inspired by having a backyard that is part of the ravine in Happy Hollow Park.

Mayoral Appointment with Council Confirmation: Historic Preservation Commission

Councilor Leverenz motioned to nominate J. Colby Bartlett for the appointment to the Historic Preservation Commission. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

Council Appointment: Traffic Commission

Councilor Leverenz motioned to appoint David Sanders to the Traffic Commission. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

FINANCIAL REPORT

City Controller Gray stated the report is on file. He stated that we are trending along with the budget as expected at this portion of the year. He announced that there will be a public hearing on the budget [Ordinance No. 27-16] at a special meeting of the Council on September 20, 2016, at 6:30 p.m. in Room 106 of Morton Community Center.

LEGAL REPORT

Corporation Counsel Burns stated that this report is on file.

SPECIAL REPORTS:

Joint Board Report

Councilor DeBoer stated that there was no meeting this month. He reported that the next meeting will be October 18, 2016. He reported that as part of the Joint Board's responsibilities as a checkpoint agency, the members received information about Campus House and their planned development. He noted that he forwarded that information to the Councilor's emails.

UNFINISHED BUSINESS:

Ordinance No. 23-16 (Includes grammatical amendment of 07-28-16) An Ordinance Amending Animal Control Ordinance To Require Implanting Microchips In Impounded Animals (Sponsored by Mayor Dennis)

Councilor Keen read Ordinance No. 23-16 (as amended) by title only, and he moved for its passage on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Councilor DeBoer stated that he will reiterate what he said last month. He stated that he is uncomfortable legislating two things. One is to do with technology, and also with legislating something that appears not to be a problem. He stated that it seems that government is looking to solve a problem that does not exist. He stated that based on those two considerations, he will vote no again this evening.

Councilor Leverenz asked if the microchips in general, or that Almost Home is using, are a generic chip. He asked if a microchip would be able to be read here for an animal that was chipped in Denver.

Stacy Rogers (Almost Home, Executive Director) responded yes. She explained that the scanners used by animal control and local veterinarian offices are considered universal scanners. The scanners pick up everything from the 24PetWatch chips that Almost Home uses to the HomeAgain chips, which are more common in other parts of the country. She stated that they have even scanned animals with chips from as far away as Bangladesh.

Councilor Leverenz stated that he had a person tell him that they bought a pet from a breeder. It had a chip in it, and it was going to cost them \$50 to activate that chip, and then there was an annual fee. He asked if that is common, or if that is a proprietary chip.

Ms. Rogers responded that it depends upon the variety of microchip. She stated that the type of chip Almost Home uses is provided by their software system, and the registration fee is included with their database. She stated that whenever they enter that information, it is uploaded and registered to that owner free of charge. The only charge that would come after that point is if they choose to change their address or telephone number after one year. After one year there is a fee to update information, but the original information put in with the chip is good forever.

Councilor Leverenz asked if Almost Home can activate a chip when a person buys an animal from a breeder, or if it has to be activated some other way. Ms. Rogers responded that Almost Home can register it in their database so they can find it if the animal came in again, but they cannot activate it with HomeAgain; that would have to be done through the company.

Councilor Leverenz asked if there is any technology on the horizon that is going to make the chip, as it sits today, obsolete. He noted that technology is changing very quickly, and we are setting a City ordinance that we hope will last for a while. He asked if there would be something in five years that would make the Council want to go back and repeal it. Ms. Rogers responded that there is not that she knows of. She stated that the only updates to the microchip that she has heard of is that 24PetWatch has recently created a chip that allows the animal's body temperature to be tested as well. She stated that she has not seen any alternatives to the microchip at any conferences or expos that she has attended. She stated that it seems like the best option for a permanent identification.

Councilor Leverenz stated that after thinking about this, talking to people, and reading, he would agree with Councilor DeBoer that it may be a big solution to a little problem. He asked how big of a problem it is. Ms. Rogers responded that stray pets are always an issue, and if they come in without identification it makes it difficult for Almost Home to get them back to the owners quickly. She explained that they used to microchip everything upon intake, but they stopped doing that when they had some issues. She stated that Almost Home would really like to have the legal right to be able to chip the animal before it goes home, so they can make sure the animal will get back the next time. She explained that 20% of stray pets are stray more than once. Councilor Dietrich asked 20% of what number. Ms. Rogers responded that it is 20% of all pets taken in during the last 7 years, and she thinks that over 12,000 animals were microchipped over that time.

Councilor DeBoer asked if it is correct that only one person refused the microchip in the past year. Ms. Rogers responded that that was only when they were microchipping during the intake exam. She stated that when they had the one person who did not want that done, they stopped microchipping everything upon intake. She stated that approximately one-quarter of the animals taken in since that point opt to do a microchip, but when they were microchipped before being picked up they were all fine with thinking that they had another form of identification.

Councilor Wang asked if there is a national database for locating pets that are missing other than by microchip means, or if we have to rely on that exclusively right now. Ms. Rogers responded that there is no database as far as a national one of identification tags or anything of that chip, but the microchip databases are nationally based. Councilor Wang asked if the information obtained from the owners is limited to general information like name, address, and phone number, with no personal information. Ms. Rogers responded that they get the name, address, and hopefully two phone numbers.

Councilor Jha asked if it is correct to say that all potential improvements in the future would be to the microchip itself. Ms. Rogers responded that that is what she would presume. A mini-chip has been made in the last few years, which is a little bit smaller. She stated that as far as the microchip scanners, those have been pretty standard since the chip came out. Councilor Jha asked if it is correct that those improvements would be encompassed under the language of "microchip implant," so if there is improvement it would still be considered that. Ms. Rogers responded yes.

Councilor Wang asked if it is correct that the microchips do not have a power source and are not transmitting. Ms. Rogers responded that is correct; the microchips are not like a GPS unit. She explained that it is similar to a barcode associated with the scanner. She stated that it pops up

with a number, and when that number is put into the database it will bring back the owner information.

Councilor Dietrich stated that Section 61.06 (a) mentions a \$10 fee for the first offense, and \$20 after that. He asked if the microchip implant is still at the first recovery. Ms. Rogers responded that from Almost Home's standpoint, they charge \$15 for the microchip implant. She stated that from what she understands in the ordinance, the \$10 and \$20 are paid to the City. Councilor Dietrich asked if the animal is microchipped before the owner is contacted, and Ms. Rogers responded that it is done when the owner gets there.

Cheryl Chapman (1408 Howell Street, Lafayette) stated that as far as the chip itself, and she has personal knowledge of this, you actually have to pay the manufacturer's annual fee. She stated that the microchip that the humane society uses is \$24.95 per year, and if you do not pay the annual fee after the first year, then the chip is turned off. She stated that no universal can pick it up, if it even does pick it up once it is on. She stated that as far as tracking animals across the country, it does happen, but it also happens that some microchips are not picked up by the scanners. She stated that last month she gave the Council information of proof that it did not happen for a specific family, and their dog was euthanized; there was a chip but was not read. She stated that what the percentage is, she does not know, but she does know that the research is not done; it is not complete, and there are potential health risks. Ms. Chapman stated that she is the one who stood up and said, "no, you cannot microchip my animal." She stated that her pet is her personal property and there was no permission given to do this. She stated that yes, Almost Home had been doing it, but they were also under contract with Lafayette not to alter any animals until the expiration of the holding period of five days. She stated that there would not be an existing problem if the holding period is maintained, giving time for the property owner to retrieve their pet. She stated that there will still be impound fees and the animal control officer will get their pick-up fees. Ms. Chapman stated that she is opposition, and she knows that there are others who are afraid to speak up. She stated that it is not fair for Almost Home to be given the right to take our rights away when we do not want microchips, and we should maintain that choice.

Councilor Dietrich asked how the microchips are turned off if it does not carry any kind of power or emit anything. He stated that it does not sound like there is anything to turn off. Ms. Chapman stated that according to the manufacturer that Almost Home used, she was advised that if they do not receive a phone call from the registered owners, then they pick it up by radio frequency, and if they do not pay the next year's annual fees then it is turned off and you cannot pick it up; it will not register.

Ms. Rogers stated that the company does have membership programs, which people can buy into to get additional access to other features. She stated that once the chip is registered in our database it is not able to be turned off; it is life-long with that original information with the company. There is a lifetime membership that is recommended to students which will allow for multiple address changes over the course of the pet's life. She stated that it is not able to be turned off at any point.

Councilor Dietrich stated that he bought a dog a year and a half ago that was microchipped. He stated that he has not paid the additional fee. He asked if that is still in the system or if that chip is not doing him any good. Ms. Rogers responded that it depends company-to-company, and from what she understands breeders usually use HomeAgain chips. She stated that they still register with that initial information, and you can even track them back to which shelter implanted the chip. She stated that some companies will not keep the databases up-to-date if you do not pay the annual fee, but the company that Almost Home uses has the lifetime membership, unless the information needs changed.

Sharon Dull (334 Leslie Avenue), stated that she is here to represent Crystal Creek Kennels, which is the kennel for the County. She stated that she would like to emphasize the safety features for the animals. This is the best solution to get an animal safely returned to its owner. She stated that they have seen a return-to-owner rate soar from 5% when they were not chipping to 60%. The ability to identify the owners, get the animal safely returned home, is a huge benefit for the animal, a huge benefit for the shelters, and for everybody involved. She stated that this is a universally used procedure throughout the United States, and every major animal organization promotes those program. She stated that she strongly urges the Council to pass this ordinance.

There was no further discussion.

Clerk Booker called the roll call vote:

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Bunder | Aye |
| DeBoer | Nay |
| Dietrich | Aye |
| Jha | Aye |
| Keen | Aye |
| Leverenz | Aye |
| Sanders | Aye |
| Thomas | Aye |
| Wang | Aye |

Clerk Booker stated that the vote was 8 AYES and 1 NAY.

President Bunder announced that Ordinance No. 23-16 passed on second and final reading.

NEW BUSINESS:

Ordinance No. 24-16 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (EMH & T) (Sagamore Park Centre PD) (PDNR & GB to PDNR) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 24-16 by title only, and he moved for its passage on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Joe Bumbleburg (Ball Eggleston PC), representing the petitioner, stated that the excellent team effort and coordination in negotiating this planned development was shown by the petitioner's team, the technical staff at APC, and the City's technical staff. He stated that benefits of this plan include that they are going to improve the parking lot. The spaces will be expanded from 521 to 564. They will build a more pleasing store with more food options. They will have the fueling station. Landscaping and signage will be updated, and the façade of the building will be upgraded. He stated that they will better align the entrances, based on the expert of the traffic engineers of the petitioners, and the City's Engineering Department. The perimeter sidewalks will be enhanced, and there will be a median on Salisbury Street for that alignment. There will be 56 bicycle spaces. He stated that this staff report from the APC welcomed this planned development, and suggested that it was an add-on to the original development. He stated that the APC was pleased to see that the developer chose to not just zone an ordinary zoning situation, but to redo the planned development. It passed the APC by a 15-0 vote. Mr. Bumbleburg stated that he would point out that the petitioners are improving a development that is about 39 years old. He stated that the APC staff supported the update and expansion and he recommended approval.

Councilor Dietrich stated that he completely supports this project, with one exception. He stated that he is disturbed about the possibility of installing a traffic light as it seems much more logical to him, and as Dan Blomeke mentioned in his letter to the Council, to extend a median similar to what they just did for the gas station there [Mr. Blomeke's letter is attached hereto]. There would be no left turn there so as to keep traffic moving northbound on Salisbury. He stated that we have all experienced traffic backing up through Sagamore as it stands now, and if we put another light there then people can access it from all directions. He stated that the traffic light is the stopping point for him. Councilor Wang stated that he likes the project idea, but feels that if a stoplight is put there then traffic will increase, congestion will go all the way back on Salisbury probably to Lindberg and further.

Public Works Director Buck stated that we have been planning to put a traffic signal at this location since 2008. He explained that they had hoped to have it, and the realignment of that driveway, as part of a previous project, but the budget did not allow for that. He stated that we have been envisioning for some time to have three traffic signals: Navajo and Salisbury, Sagamore and Salisbury, and Kent and Salisbury to be able to run them in coordination and synchronize them throughout the day. In the morning we would prioritize southbound green-time, and in the afternoon prioritize northbound green-time. He stated that some of this comes with the punt of never widening Salisbury. He stated that we know the capacity of Salisbury is not going to be a four-lane road in any of our lifetimes; we do not want it to be. He explained that acquiring the property for that kind of widening project to increase capacity and efficiency would come at a non-starter for a price tag. He stated that we have to do what we can with the interconnectivity of the signals so we can be smart with the time of day and amount of traffic that is turning. To limit access for northbound traffic going into one of the northern driveways of the Payless shopping center is going to further increase left turns at Sagamore Parkway. If we had unlimited capacity, he would say that is the way to go, but we do not. Splitting those left turns at as many locations as we can will provide opportunity for better efficiency for peak times. Director Buck stated that he has talked to Mr. Blomeke and other residents of the Barberry neighborhood. He stated that his estimation of their concern is that the traffic signal is not so much the problem as the fear of increased cut-through traffic in addition to the existing cut-through traffic that Covington Street already has. He stated that that is something we need to look at whether the Council votes for this project or not. He feels that there are several options to prohibit or reduce the cut-through traffic for what would be westbound Sagamore short-circuiting the Salisbury lights and this potential new light at Kent. By closing some drives and reconfiguring intersections in the neighborhood we could make that less worth-while with traffic-calming techniques and low-cost measures. He stated that some of that may be necessary and warranted today, and the Engineering Department is happy to look at those and program those improvements. He stated that at the end of the day, a signal at Kent is something that has been on the books for several years, and is not only warranted with this project, but is warranted today.

Director Buck continued to discuss various traffic concerns with Councilors Dietrich, DeBoer, Wang, and Sanders, Keen and Thomas.

Jan Myers (1909 Indian Trail Drive) stated that she is a frequent shopper at Payless, and her comment is about the safety of pedestrians. She stated that in the current configuration, it is not safely possible for pedestrians to go into the parking lot. She stated that she must walk in front of traffic—without any clue to those exiting the parking lot—that she is there. She stated that after the issues with cars turning there, she is faced with a sidewalk that is so intermittent, with the drive-through for the bank and other things, that it is a little bit of “oh my god.” She stated that the first improvement as a pedestrian is that traffic light. She stated that for anyone who wants to understand, she will give them a walk through there. She asked to please put that traffic light in

for everyone's safety. She noted that if the entrance is moved farther to north then pedestrians will be walking further and she would be even more in the midst of the drive-through.

Chris Campbell (818 Barlow Street) stated that the light seems like a good idea. She stated that she knows it will have all of Barberry Heights trying to enter and exit from that spot. She stated that she does not quite understand the median situation there, but people are going to be wanting to go south and turn into Kent because people still live there. She stated that it is very difficult for people to get in and out of that neighborhood, and she thinks a light will help. She stated that she would also like to have bus pull-outs to help with bus traffic that is also backing up north and south. She stated that the pedestrian improvements really need to be done, as she walks over there quite a bit and feels that you are taking your life trying to get across Salisbury. She asked to keep in mind Covington and Kent with traffic control. She expressed that four-way stop signs at the intersections would help, because right now Covington is a raceway and it is a problem for people unfamiliar with the roads. She stated that there are a lot of accidents in the area with the cut-through traffic.

President Bunder stated that he has great respect for the people on the APC and for Director Buck. He stated that traffic will get worse on this street, and perhaps the best way to handle it is another automated signal.

There was no further discussion.

Clerk Booker called the roll call vote:

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Bunder | Aye |
| DeBoer | Aye |
| Dietrich | Aye |
| Jha | Aye |
| Keen | Aye |
| Leverenz | Aye |
| Sanders | Nay |
| Thomas | Aye |
| Wang | Aye |

Clerk Booker stated that the vote was 8 AYES and 1 NAYS.

President Bunder announced that Ordinance No. 24-16 passed on first and only reading.

Ordinance No. 25-16 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect. (WDA PUB WL LLC) (I3 to NB) (Submitted by Area Plan Commission)

Councilor Keen read Ordinance No. 25-16 by title only, and he moved for its passage on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Chris Shelmon (Gutwein Law), representing the petitioner, stated that this rezone is an intended location for an establishment by Walt Foster, who currently has a restaurant on the south side of Lafayette called Walt's Other Pub. Mr. Shelmon stated that the desired zoning is Neighborhood Business, and that change was made with the assistance of the City and the APC. He stated that the NB zone is specifically designed to provide areas for retail and service establishments

appropriate to the needs of nearby residents. Mr. Shelmon stated that when Mr. Foster was looking for locations, he wanted to have a neighborhood restaurant that was near areas with different neighborhoods. Mr. Shelmon stated that this section of the City is both near neighborhoods within the City limits and connects neighborhoods that extend beyond. He stated that another added benefit of the location is its inclusion in the Purdue Research Park. He stated that Purdue Research Foundation (PRF) supports this rezone request, and it will provide an additional benefit to the thousands of employees and visitors to that area. The hope is to integrate it into the Research Park at the corner of Kalberer and Yeager Roads as the area continues to develop.

Councilor DeBoer asked for confirmation that the APC staff originally recommended denial, but it was too late to change it on the staff report; then the petitioner agreed to change the zoning to what the APC preferred, and then the APC supported it. Mr. Shelmon responded yes, and he confirmed for Councilor Keen that it was originally for General Business and was changed to Neighborhood Business. Mr. Shelmon stated that after the change they received the support of the APC staff and also received a unanimous vote for approval at the APC hearing.

President Bunder asked if it is correct that this represents a change in policy for PRF, as under previous administrations this location was always part of the Park. He asked if more land is going to be sold off, and in what sizes.

Jeremy Slater, Project Manager of Architecture and Engineering for Purdue Research Park, stated that we do support this. He stated that, to President Bunder's question, they have a lot going on in the Park. He stated that they are fortunate to have just opened the Indiana Manufacturing Institute building just north of this location. They have an expansion going on to the existing Kurz Technology Center, and an expansion for Purdue Federal Credit Union. He stated that one thing that the Park lacks is the retail and service for neighborhoods. He stated that for the whole mentality of "work, live, play," they have the work, but do not really have the live or the play. This is an opportunity for the thousands of employees to have a place for a lunch meeting, and an opportunity for visitors or people from surrounding neighborhoods to come into the Park and be a part of it. He stated that they do have other I3 zoning within the Phase 3 area. They also have Phase 4 that includes Fire Station No. 3. He stated that all of that is slated for development. This corner specifically provided a nice opportunity for a place to eat near the companies.

President Bunder asked if it is correct that one of the reasons for objecting to the GB zoning was that we could end up with a strip mall. Councilor Keen responded that there are a number of undesirable uses allowed in the GB zone that are not allowed in the NB zone. He explained that down-zoning to NB eliminated a lot of those possibilities, which is much more desirable to that neighborhood. Mr. Slater added that a drive-through restaurant was one of the undesirable possibilities with GB.

President Bunder asked if more commercial development is envisioned along Kalberer, using the NB zoning. Mr. Slater responded that there is potential, including two lots between this location and the daycare.

Councilor Wang asked how big of a restaurant the petitioner is planning to put there, and Mr. Foster responded that the square footage will be about 9,800 square feet, similar to Walt's Other Pub. He stated that it will be a single-story building, and he displayed renderings of the plans. He noted that there will be some outdoor dining. Councilor Wang asked if there is a name for it, and Mr. Foster responded that it will be Walt's Pub and Grill. Mr. Foster explained that they picked "grill" because they want to focus on family dining in a community setting.

COMMON COUNCIL MEETING MINUTES, September 6, 2016, CONTINUED

Mary Cook (1835 Windy Hill Drive, Lafayette) stated that many years ago her husband was told by Win Hentschel that there would never be a pub in the Research Park, and she thinks that Walt Foster should carry on the tradition.

There was no further discussion.

Clerk Booker called the roll call vote:

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Bunder | Aye |
| DeBoer | Aye |
| Dietrich | Aye |
| Jha | Aye |
| Keen | Aye |
| Leverenz | Aye |
| Sanders | Aye |
| Thomas | Aye |
| Wang | Aye |

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 25-16 passed on first and only reading.

Ordinance No. 26-16 An Ordinance Providing For Temporary Loans (Parks) (Submitted by the Controller)

Councilor Keen read Ordinance No. 26-16 by title only, and he moved for its on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that this is to cover cash flow issues coming out of the Parks Department, and to make sure that we have enough cash in line before the levy comes into play in December.

Councilor Thomas asked when we are expecting our funding from the State, and Controller Gray responded that it generally comes in June and December. In response to a question from Councilor Keen, Controller Gray confirmed that we are borrowing from another City fund, not from the open market.

There was no further discussion.

Clerk Booker called the roll call vote:

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Bunder | Aye |
| DeBoer | Aye |
| Dietrich | Aye |
| Jha | Aye |
| Keen | Aye |
| Leverenz | Aye |
| Sanders | Aye |
| Thomas | Aye |
| Wang | Aye |

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 26-16 passed on first reading.

Ordinance No. 27-16 An Ordinance Setting The 2017 City Budget And Setting The 2017 Tax Levy On Property And Tax Rate (Submitted by the Controller)

Councilor Keen read Ordinance No. 27-16 by title only, and he moved for its passage on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that this is the proposed budget for next year. He apologized for confusion with the documents, explaining that this is the first year that the circuit breaker was entered into Gateway, which is where the budget forms come from. He stated that we do this in conjunction with the Department of Local Government Finance (DLGF) on having a high tax rate to make sure we are able to cover all expenses that we plan for next year. They suggest we run it high because once it is published we cannot go higher than that, but it can be dropped down. Controller Gray reviewed the tax rates listed on the ordinance compared with last year, and stated that the published overall tax rate is \$1.2088 versus last year's rate of \$1.2282. Controller Gray stated that the document showing the three-year trend does not have the circuit breaker, so the actual expenses and revenue can be seen, while the forms from Gateway have the circuit breaker. He stated that the circuit breaker this year is calculated at \$1.1 million for 2017; for 2016 it is just over \$900,000.

President Bunder asked Controller Gray to explain the circuit breaker. Controller Gray responded that the circuit breaker is set up so that taxpayers only have to pay up to a certain ceiling; once they hit that ceiling on their property then they do not have to pay anymore. Then that money gets spread out among all of the other taxpayers.

Councilor Keen asked if it is still going to be the case, as in years past, that the rate will be advertised higher than what we actually expect. Controller Gray responded yes, and stated that the actual rate will probably work out to be similar to what we have now.

Councilor Jha asked if it is correct that the predicted budget value for 2017 shows \$22.2 million, and Controller Gray responded yes. Councilor Jha stated that then the total taxes levied from the property would be \$11.6, and he is curious where that remainder comes from. Controller Gray responded that there is also miscellaneous revenue, such as cigarette tax, gas tax, gambling tax. We also have the WWTU that funds part of the salaries. Councilor Jha asked if it is correct that we would not see any of the returns yet from the TIF, and Controller Gray stated that is correct; the TIF figures are not in there.

Councilor Sanders stated that for most departments, personnel services are a major component, but for Facilities they are not. He asked he asked how that works out. Controller Gray responded that Facilities has one person in it at this time, and that is still the plan for next year. Councilor Sanders asked what the expenses for other services and charges cover. Controller Gray responded that it covers contracting and consulting.

Thomas Kesler (479 Maple Street) stated that he has been suspicious of the property tax ever since his experience when there was a big change in the way the State handled property tax several years ago after a lawsuit in Lake County. He stated that he had back-to-back 30%+ increases. He asked if his ceiling can move somehow, and stated that he is trying to plan for the future and is not clear on if he has maxed out. Controller Gray responded that the tax ceiling is

set for residences at 1% of your assessed value, so if the assessed value goes up the tax ceiling would go up as well.

There was no further discussion.

Clerk Booker called the roll call vote:

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Bunder | Aye |
| DeBoer | Aye |
| Dietrich | Aye |
| Jha | Aye |
| Keen | Aye |
| Leverenz | Aye |
| Sanders | Aye |
| Thomas | Aye |
| Wang | Aye |

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 27-16 passed on first reading.

Ordinance No. 28-16 An Ordinance To Fix The Salaries Of Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana, For The Year 2017. (Sponsored by Mayor John Dennis)

Councilor Keen read Ordinance No. 28-16 by title only, and he moved for its passage on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that we have budgeted a 3% increase for salaries, and that is reflected in this ordinance.

There was no further discussion.

Clerk Booker called the roll call vote:

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Bunder | Aye |
| DeBoer | Aye |
| Dietrich | Aye |
| Jha | Aye |
| Keen | Aye |
| Leverenz | Aye |
| Sanders | Aye |
| Thomas | Aye |
| Wang | Aye |

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 28-16 passed on first reading.

Ordinance No. 29-16 An Ordinance To Fix The 2017 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Public Works and Safety)

Councilor Keen read Ordinance No. 29-16 by title only, and he moved for its passage on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that this also has the 3% increase.

There was no further discussion.

Clerk Booker called the roll call vote:

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Bunder | Aye |
| DeBoer | Aye |
| Dietrich | Aye |
| Jha | Aye |
| Keen | Aye |
| Leverenz | Aye |
| Sanders | Aye |
| Thomas | Aye |
| Wang | Aye |

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 29-16 passed on first reading.

Ordinance No. 30-16 An Ordinance To Set The Salaries Of The Elected Officials, City Of West Lafayette, Indiana, For The Year 2017 (Submitted by the Controller)

Councilor Keen read Ordinance No. 30-16 by title only, and he moved for its passage on first reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that this also has the 3% increase in the budget.

Councilor Jha stated that going back to the budget, he is curious why there was an 88% increase in Human Resources. Controller Gray responded that there are two factors. One is the 10.5% increase on medical insurance that we have in the budget. The other is that they are looking into hiring another person to cover those duties.

There was no further discussion.

Clerk Booker called the roll call vote:

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Bunder | Aye |
| DeBoer | Aye |
| Dietrich | Aye |
| Jha | Aye |

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Keen | Aye |
| Leverenz | Aye |
| Sanders | Aye |
| Thomas | Aye |
| Wang | Aye |

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 30-16 passed on first reading.

Resolution No. 15-16 Supplemental Resolution Of The Common Council Of The City Of West Lafayette, Indiana Authorizing The City Attorney To Exercise The City's Power Of Eminent Domain (Submitted by Mayor John Dennis)

Councilor Keen read Resolution No. 15-16 by title only, and he moved for its passage on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Counsel Burns stated that Resolution No. 26-15 was passed late last year. It had a listing of approximately 50 different properties that would be eligible for eminent domain. He reminded the Council that the State statute changed a couple of years ago to require that the Redevelopment Commission (RDC) get permission from the Council if there were going to be condemnations. He stated that the list was passed, but there were two properties omitted from that list. He requested approval of Resolution No. 15-16 so that those two properties can be added to the list of properties authorized to use eminent domain.

Councilor DeBoer asked how the eminent domain cases are generally going. Counsel Burns stated that we have had what he would term very good success in settling them. He stated that he thinks it would not be a surprise to find out that if people do not settle early in the process, then if there is a suit filed it convinces them that it is a serious matter that the City needs to get resolved. He stated that it also creates the mechanism so that people can get appraisals from three independent court-appointed appraisers; before that it is only the City's appraisers. He stated that with very few exceptions, the court-appointed appraisals have come within a couple percent of the City appraisals. This encourages people to see that the number being offered is a fair number, and they tend to settle at that point.

Councilor DeBoer stated that we have mostly been doing this with an à la carte model for State Street with a series of properties at a time. He asked if it is anticipated to be similar going forward with other properties, or if it is unique to this situation. Counsel Burns responded yes, and explained that when there is a project with significant numbers of properties then it allows everyone to be treated fairly, and everyone understands that the process is going to go forward.

There was no further discussion.

Clerk Booker called the roll call vote:

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Bunder | Aye |
| DeBoer | Aye |
| Dietrich | Aye |
| Jha | Aye |

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Keen | Aye |
| Leverenz | Aye |
| Sanders | Aye |
| Thomas | Aye |
| Wang | Aye |

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Resolution No. 15-16 passed on first and only reading.

Resolution No. 16-16 A Resolution Amending The Map As Contained In Resolution 10-16 (Submitted by Corporation Counsel)

Councilor Keen read Resolution No. 16-16 by title only, and he moved for its passage on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Counsel Burns stated that the US 231 Land Use Plan had a map attached to it, but the Purdue West area was left off of that map. He stated that this resolution adds the parcel that is Purdue West, which is north of State Street and east of McCormick Road.

There was no further discussion.

Clerk Booker called the roll call vote:

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Bunder | Aye |
| DeBoer | Aye |
| Dietrich | Aye |
| Jha | Aye |
| Keen | Aye |
| Leverenz | Aye |
| Sanders | Aye |
| Thomas | Aye |
| Wang | Aye |

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Resolution No. 16-16 passed on first and only reading.

Resolution No. 17-16 A Resolution Requesting The Transfer Of Funds (Finance) (Prepared by the Controller)

Councilor Keen read Resolution No. 17-16 by title only, and he moved for its passage on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor DeBoer.

Controller Gray stated that this is for a copy machine that the Finance Department is leasing instead of buying, so it is in the Capital category. This would move money from Contract Services to the Capital Lease category. He stated that this machine has the ability to create the ADA documents, whereas the previous machine did not.

There was no further discussion.

Clerk Booker called the roll call vote:

| <u>Councilperson</u> | <u>Vote</u> |
|-----------------------------|--------------------|
| Bunder | Aye |
| DeBoer | Aye |
| Dietrich | Aye |
| Jha | Aye |
| Keen | Aye |
| Leverenz | Aye |
| Sanders | Aye |
| Thomas | Aye |
| Wang | Aye |

Clerk Booker stated that the vote was 9 AYES and 0 NAYS.

President Bunder announced that Resolution No. 17-16 passed on first and only reading.

COMMUNICATIONS

► Councilor Leverenz reminded everyone about the Art on the Wabash event on Sunday, September 25, 2016, in Tapawingo Park.

► Councilor Sanders stated that he heard this morning a subject that many people may be interested in. He asked how we tell in West Lafayette when a driver is intoxicated with marijuana.

Police Chief Dombkowski responded that the confirmatory test is a blood draw, and the officers do that at the hospital. He stated that Sergeant Stason Wiete, who is present, may have more expertise in that area. Sergeant Wiete stated that he is a drug-recognition expert. He stated that they do the same thing for marijuana as for people who are intoxicated on alcohol. It is the same tests, but you do not have the odor, and they test zeros on the instrument used, so they are taken to the hospital to confirm the tests. He stated that we have to ship the blood to a State laboratory. It can also be tested with a urine dipstick at the hospital.

Councilor Sanders asked if it is correct that the major preliminary test is behavioral. Sergeant Wiete responded yes, and stated that the officers are trained to pick up on things that leads them to believe that the person is not on alcohol, but on a different drug.

Councilor Sanders stated that the question arose because THC persists much longer, so the question is how relevant is the blood test. He asked what the action would be if the test came back negative after the person exhibited behaviors that suggested intoxication. Sergeant Wiete stated that he would say that the person is on another drug besides marijuana. Chief Dombkowski stated that they run a battery of tests—it is a seven- or ten-panel test that they test for, and marijuana may be one of those. He stated that as a drug recognition expert, Sergeant Wiete has had a lot of training where he can pinpoint probabilities of what that person is on before the test comes back. The blood test is the confirmatory, and the first level of immediacy for a preliminary would be a urinalysis.

Councilor Wang stated that he judged hundreds of cases involving drugs and impaired driving. The statute that defines a person as intoxicated covers both drugs and alcohol, but a person has to be in a state where they have substantially endangered themselves or other persons. He stated

that blood and urine tests will show a presence of it in the person's system. It does not prove you are intoxicated, but there is a statute saying that if you have a BAC of at least 0.08 you are legally intoxicated. A person could argue to the court that they are not impaired, but they have to be impaired; that is what the statute says. He stated that drug tests are accurate by blood levels, there are specific time periods that the test has to be administered. He stated that this is geared toward drunk driving—not toward public intoxication cases, which has a different standard.

► Councilor Wang reported that Global Fest is on September 17, 2016. There is also a swearing-in ceremony for the area's newest citizens to the country. President Bunder noted that Global Fest is now in the street instead of inside Morton Community Center. Mayor Dennis stated that the naturalization ceremony will take place at Burtsfield Gym on September 16, 2016.

CITIZEN COMMENTS

► Kay Miller (8143 Old State Road 25 North) provided an update on the stone quarry issue near Americus. She stated that the Rogers Group petitioned to have the lawsuit transferred to the Supreme Court of Indiana. The judges denied that, so it is back to the appellate decision.

► Mr. Kesler thanked the Street Department for taking care of a couple of matters. He spoke about some clean-up that took place in his neighborhood and his concerns about litter there. He noted that he submitted a couple of addresses to the City regarding cars parked in back yards. He stated that he applauds the Parks Department for the photographs of flowers put up in the meeting room.

► Ms. Myers stated that she has a lot of perennials available free to the City or anyone who is interested. She stated that she again extends an invitation to walk with her on "roundfeet," and she spoke of how her partner for Meet & Greet noticed how she had to maneuver around things. Ms. Myers asked, regarding the changes to State Street, if we are comparing ourselves to Madison, Wisconsin, and she encouraged people to read a report about how Madison, at 20 years later, was a failure. She asked if the City, as an urban community, will have greenery, and recommended two books regarding that.

ADJOURNMENT

There being no further business at this time, Councilor DeBoer moved for adjournment, and President Bunder adjourned the meeting the time being 8:21 p.m.

Letter from Daniel Blomeke to the Council regarding Ordinance No. 24-16:

I would like the city to not allow the Payless shopping center to change the side entrance to the parking lot and install a stoplight

REASONS NOT A GOOD FIX:

- The offset was intentionally staggered from Kent when the center was built
- This is a residential street butting up to a commercial entrance, not two highly traveled streets intersecting
- This is not Navajo which is a commercial intersection
- I can find nowhere else where there is a stoplight at this type of intersection.
- There have been no major accidents in this section and in fact I do not recall any accidents at all in almost 40 years living here. Although I am sure there have been some rear end bumps
- It took a death to get a stop light at 231 and Cumberland
- I occasionally see a few cars lined up to make this turn into the shopping center and this tends to be at 8 & 5
- This is a side entrance to the parking lot not the main entrance
- They should encourage customers to use Sagamore, the Main entrance.

PROBLEMS CURRENT AND NEW

- Now we have traffic coming through the neighborhood to avoid the stop light a Sagamore and Salisbury
- This will induce more to avoid two stoplights, one at Sagamore and a second at Kent
- I have regularly encountered a backup at the Navajo light on Salisbury between Sagamore and Navajo in high traffic periods, both when turning from Sagamore to go south and going directly south on Salisbury.
- I see this as just another clog in that system that will back up both Sagamore turning north and Salisbury going north

NO STUDY OF EFFECT ON BARBERRY TRAFFIC

At the APC meeting the developer never mentioned any discussion with the neighborhood, only commercial property owners to the west and Westminster to the north.

- By this statement they admitted they never took the neighbor into consideration
- At the APC meeting they mentioned traffic studies, but I question how you could take any traffic study in WL in any recent time period and get reliable results. With all the construction, traffic is not traveling in its normal pattern but in ways to avoid construction areas.
- In fact, I do not recall any traffic study at the intersection of Kent and Covington in my 40 years living here.

IS THE CITY JUST GOING ALONG WITH NO JUSTIFYING STUDY

- I understand that the developer is willing to pay for this stoplight.
- I want to be sure this fact does not cause us to accept something we do not need just

because they are paying the bill.

-In my business I have always counseled my not-for-profit clients not to accept something just because someone wants to give you something. A lot of times you will just end up with more problems than you want.

MY SUGGESTIONS

-I would like to see the exit remain in its current position (or move to the proposed site) but a divided curb be installed from Sagamore to a point north of this entrance. This would make the entrance a right only in/out. Also, the only turn adversely affected by this arrangement would be coming out of the parking lot and going north. All others would have easy access to the main entrance.

-Also cut Covington off at the dividing point between the R1 subdivision and the GB along Sagamore.

Respectfully submitted,

Daniel Blomeke
901 Kent Ave.
West Lafayette, IN